

### **REMARKS**

This Application has been carefully reviewed in light of the final Office Action mailed January 26, 2004. Claims 1-22 are pending in the application. Claims 1-10 and 12-22 stand rejected and Claim 11 has been allowed. Applicants submit that the pending claims are patentably distinguishable over the cited references. Applicants, therefore, respectfully request reconsideration and favorable action in this case.

#### **Allowed Claim**

Applicants note with appreciation the allowance of Claim 11.

#### **Section 102 Rejection**

The Office Action rejects Claims 1, 3-4, 6, 16 and 19 under 35 U.S.C. § 102(b) as being anticipated by Ester, et al. (PCT Pub. WO 98/47255) ("*Ester*"). The Office Action rejects Claims 1, 3-4, 6, 16 and 19 under 35 U.S.C. § 102(e) as being anticipated by Thompson (U.S. Patent 6,249,510 B1) ("*Thompson*"). Applicants respectfully traverse all rejections and assertions therein.

For example, Independent Claim 1 recites, "a portion operable to facilitate one of: causing one of the component signals from the optical input terminal to be routed to said further terminal, and causing a component signal present at said further terminal to be included in the optical output terminal." For the teaching of this limitation, the Office Action offers both the east and west tributaries coupled to the separate optical fibers 54 disclosed in *Ester*<sup>1</sup> and the input path 60-1 and output path 60-2 disclosed in *Thompson*. But Applicants submit that the Office Action fails to consider each and every word of Claim 1. "All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). In judging the patentability of Claim 1, the Office Action fails to consider at least "causing one of the component signals from the optical input terminal to be routed to said further terminal." More particularly, the Office Action fails to consider at least "the optical input terminal."

---

<sup>1</sup> Figure 4A-4B; Page 12, Lines 23 to Page 13, Line 9.

First, *Ester* discloses splitting the incoming optical signal 52 "into N individual wavelengths on separate output fibers 54." Page 13, Lines 7-10; Figures 4A-4B. As illustrated in *Ester*, one of the output fibers 54 is connected to the west tributary for dropping a wavelength. Figure 4A. The cited output fiber 54, however, is not "the optical input terminal" as claimed. In particular, output fiber 54 carries only a single wavelength,<sup>2</sup> not "a plurality of optical component signals which are different" as claimed. Accordingly, *Ester* fails to teach each and every limitation of Claim 1. Analogously, Applicants submit that the cited output path 60-2 disclosed in *Thompson* is not "the optical input terminal" as claimed. In particular, the output path 60-2 carries only a single wavelength  $\lambda_1$ ,<sup>3</sup> not "a plurality of optical component signals which are different" as claimed. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents 3-4 and 6. Further, Claims 16 and 19 are allowable for analogous reasons.

#### **Section 103 Rejection**

The Office Action rejects Claims 2, 5, 7, 9-10, 17-18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Thompson* in view of *Meli* (U.S. Patent 5,956,319) ("*Meli*"). The Office Action rejects Claims 8 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Ester* in view of *Cao* (U.S. Patent 6,337,755 B1) ("*Cao*") and in view of *Arecco* (U.S. Patent 6,400,476 B1). The Office Action rejects Claims 12-14 under 35 U.S.C. § 103(a) as being unpatentable over *Ester* in view of *Arecco, et al.* (U.S. Patent 5,903,371) ("the '371 Patent"). Applicants traverse these rejections and all findings and assertions therein. In particular, these depend from independent Claim 1, 16, and 19. As discussed above, independent Claim 1, 16, and 19 are allowable over *Ester* and *Thompson*. The Office Action fails to cite teaching or suggestion of the missing elements in *Meli*, *Cao*, *Arecco*, and *Arecco, et al.* Thus, Applicants respectfully request that these rejections be withdrawn.

The Office Action rejects Claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Thompson* in view of *Arecco, et al.* Applicants traverse these rejections and all findings and assertions therein.

---

<sup>2</sup> *Ester*, Page 12, Lines 26-27.

<sup>3</sup> *Thompson*, Figure 2; Col. 4, Lines 46-54.

Claim 21 recites, "a splitter coupled to the demultiplexer, the splitter operable to drop a signal including a plurality of component signals and to supply the signal to the demultiplexer." For the teaching of this limitation, the Office Action offers the optical coupler 32. But Applicants submit that the Office Action fails to consider each and every word of Claim 21. In judging the patentability of Claim 1, the Office Action fails to consider at least "the splitter operable ... to supply the signal to the demultiplexer." The optical coupler 32 (and 31) disclosed in *Arecco, et al* "are wavelength-selective couplers adapted to separate telemetry signals, with a predetermined telemetry wavelength external to the telecommunication band, towards respective outputs 31a, 32a both connected to a telemetry receiver 50, and signals within the telecommunication band towards the other outputs 31b, 32b." Col. 6, Lines 19-27. Thus, the cited coupler 32 merely drops the telemetry signals and does not "supply the signal to the demultiplexer." Accordingly, Applicants respectfully request reconsideration and allowance of Claim 21 and its dependent Claim 22.

**CONCLUSION**

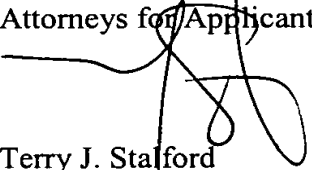
Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants

  
Terry J. Stafford  
Reg. No. 39,522

**Correspondence Address:**

Baker Botts L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, Texas 75201-2980  
Tel. (214) 953-6477

Date: 2/25/04